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10/773,451	02/09/2004	Siaw Teck Sang	ATOCM-0347	3612

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MILLEN, WHITE, ZELANO & BRANIGAN, P.C.
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Arlington, VA 22201

EXAMINER

KRUER, KEVIN R

ART UNIT	PAPER NUMBER
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1787

MAIL DATE	DELIVERY MODE
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05/20/2010

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Advisory Action

Applicant's arguments filed 5/11/2010 have been fully considered but are not persuasive. Applicant's proposed amendment has not been entered because it is not deemed to place the application in better form for appeal by materially reducing and/or simplifying the issues on appeal and because it raises new issues that would require further search and/or consideration. Specifically, the newly proposed claimed percentages were not previously claimed.

Rejection Under 35 U.S.C. 112

Applicant argues the proposed claimed ranges were inadvertently excluded from the previous reply because the added underlined test was slightly lighter than the remainder of the claim and did not scan clearly. Said argument is noted but does not alter the fact that the proposed ranges were not part of the previously filed amendment and would constitute new limitations which have not previously been considered.

Rejections Under 35 U.S.C. 103

Applicant argues that Schmukler teaches that high density polyethylene based extrudible adhesive have higher temperature resistance and better moisture barrier than those based on LDPE or LLDPE. Said argument is noted but is not persuasive for the reasons of record. Specifically, Schmukler teaches the addition of HDPE to the composition wherein the polyethylene has a density of "about 0.94"-which was understood to read on the claimed polyethylene with a density of 0.935. Furthermore, the noted properties do not drastically change at a given density but rather gradually change as the density changes. Thus, the skilled artisan would have been motivated to

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utilize a polyethylene with a density slightly less than "about 0.94" because they would have expected polyethylenes with slightly lower densities to have essentially the same properties as polyethylene with a density of "about 0.94."

Applicant further argues that Schmukler does not teach the use of two grafted components. Said argument is noted but is not persuasive because the examiner never took the position that such a teaching was explicitly disclosed in Schmukler. Rather, the examiner relied upon Schmukler in view of Tanaka to render obvious the two claimed grafted components. In response to applicant's arguments against the references individually, one cannot show nonobviousness by attacking references individually where the rejections are based on combinations of references. See *In re Keller*, 642 F.2d 413, 208 USPQ 871 (CCPA 1981); *In re Merck & Co.*, 800 F.2d 1091, 231 USPQ 375 (Fed. Cir. 1986).

With regards to Harris (US 5,824,746-cited as an evidentiary reference), Applicant argues said reference is drawn to a golf ball and its teachings regarding metallocene catalyzed polyolefins do not teach that such polymers are better for every application. The examiner initially notes the teachings of Harris are drawn generally to polyolefins and is not limited to polyolefins used in the manufacture of golf balls. Furthermore, Tanaka teaches the use of metallocene catalysts allows for better control over the properties of the resulting polyolefin composition. While the properties to which polymerization is tailored may vary from application to application, the ability to tailor the properties of the polyolefin to a desired end use is generally desirable. Applicant argues it would not have been obvious to utilize metallocene catalysts to improve

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adhesion but said argument is moot since increased adhesion is not presently recited in the pending claims.

Applicant further argues the examiner erroneously concludes that "co-grafted" is a method limitation that does not distinguish the claimed product from the prior art. In support of said conclusion, applicant has filed a declaration by Fabrice Chopinez to demonstrate the method of grafting affects the haze properties of the composition. However, said declaration has not been entered because applicant has failed to provide a showing of good and sufficient reason why the affidavit or other evidence was not presented earlier. Furthermore, it is not clear that a single embodiment would be sufficient to demonstrate unexpected results for the entire scope of the claimed invention and it is not clear that the haze values of a multilayer film could be utilized to demonstrate unexpected results for a single layer film as claimed in claim 1.

For the reasons noted above, applicant's arguments are not persuasive.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to KEVIN R. KRUEER whose telephone number is (571)272-1510. The examiner can normally be reached on Monday-Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Callie Shosho can be reached on 571-272-1123. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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/Kevin R Kruer/
Primary Examiner, Art Unit 1787